

MOTION BY SUPERVISORS MICHAEL D. ANTONOVICH AND ZEV YAROSLAVSKY JULY 31, 2007

The County's Regional Planning Commission, as well as Hearing Officers in the Department of Regional Planning, conduct public hearings and issue determinations concerning various discretionary land-use applications. Projects that require legislative approvals, such as a Zone Change or General Plan Amendment, automatically advance to the Board of Supervisors for final action. For adjudicatory approvals, such as Conditional Use Permits (CUP's), a determination is final unless the applicant or an interested party appeals the case to the Board of Supervisors; alternately, the Board may "call for review" the initial determination by the Commission.

In the case of appeals to the Board of Supervisors, "interested parties" (anyone other than the applicant) potentially encounter two problems. Both items are largely unique to the County of Los Angeles, in that they are inconsistent with how many other nearby jurisdictions process appeals. The first item often confuses the public about the deadline in which to file an appeal, and the second item may discourage the filing of appeals due to expensive appeal fees.

In the first instance, appeals on zoning permits to the Board of Supervisors must be filed within a set time period, typically 15 days. The County's Zoning Ordinance indicates that this 15-day period starts when the applicant "receives" notice of the decision by the Planning Commission. The start—and, therefore, the end—of the appeal period depends on outside parties, such as the United States Postal Service and the applicant, rather than on any actions by the Commission or County staff. Other jurisdictions start the appeal period when the Commission acts at the actual public meeting itself, or on the date staff mails the applicant the determination. In short, for jurisdictions other than the County the end of the appeal period is specifically identified. In this regard the applicant and all interested parties are notified well in advance.

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In the second instance, when a case is appealed to the Board, the County requires an "additional deposit" from the appellant to cover the costs of transcribing the earlier hearing(s) by the Hearing Officer or the Commission. This fee is in addition to the standard appeal fee, and it can be prohibitively expensive. On one project the Commission conducted seven public hearing sessions, requiring an additional fee of more than \$7,000 (Board of Supervisors called this case for review rather than asking a group of residents to absorb the cost). The "additional deposit" for transcripts burdens a neighbor or other interested party with an unnecessary expense, one that is not charged by many other jurisdictions. This is particularly unfair when a resident has legitimate concerns about the impacts of a proposed project, as it discourages filing an appeal to one's elected representatives. Given that very few cases reach the Board on appeal, the cost of preparing these transcripts can and should be absorbed by the County.

WE, THEREFORE, MOVE that the Board of Supervisors direct County Counsel, working with the Director of Regional Planning and the Executive Officer of the Board of Supervisors, to draft an amendment to the Zoning Ordinance to clarify and standardize the start and end dates of the appeal period for a Conditional Use Permit, and also to eliminate the requirement that appellants pay for the cost of transcribing earlier hearings.

WE, FURTHER, MOVE that the Board of Supervisors direct County Counsel, working with the Director of Regional Planning and the Executive Officer of the Board of Supervisors, to prepare any associated changes to written staff procedures and guidelines necessary to clarify the appeals process for staff and members of the public and resolve any ambiguities between appeal periods for CUPs and associated entitlement applications, and to bring the ordinance and other proposed changes back to the Board of Supervisors within 60 days.

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